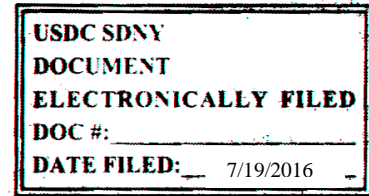


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**TAMEKA JACKSON,**

**Plaintiff,**

**13-CV-05655 (AJN)(SN)**

**-against-**

**REPORT AND  
RECOMMENDATION**

**CAROLYN W. COLVIN,**

**Defendant.**

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**SARAH NETBURN, United States Magistrate Judge.**

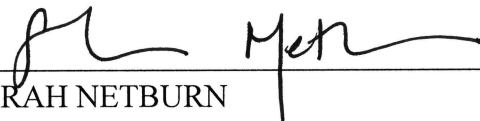
**TO THE HONORABLE Alison J. Nathan:**

On August 13, 2013, the plaintiff filed this action pursuant to 42 U.S.C. § 405(g), seeking review of a denial of social security benefits. On September 3, 2014, the Honorable Alison J. Nathan remanded the case for further proceedings. One week later, the Court approved a stipulation and agreement awarding the plaintiff \$4,920.00 in attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

Following the remand, the plaintiff received retroactive benefits from the Social Security Administration. Thereafter, on June 7, 2016, plaintiff's counsel filed a motion for an award of attorney's fees pursuant to 42 U.S.C. § 406(b). Section 406(b) permits the Court to approve "a reasonable fee . . . not in excess of 25 percent of the . . . past-due benefits" awarded to the plaintiff. Gisbrecht v. Barnhart, 535 U.S. 789, 795 (2002) (quoting 42 U.S.C. §406(b)(1)(A)). Because of the Commissioner's unique role and expertise in this area, the Court ordered the Commissioner to respond to the plaintiff's motion. And on June 14, 2016, the Commissioner filed a letter indicating that she did not object to plaintiff's counsel's motion for § 406(b) fees.

Having reviewed the June 7, 2016 motion, along with all supporting documents, the Court determines that the requested award is reasonable and recommends that attorney's fees be granted in the amount of \$10,733.00, which represents 25% of the past due benefits awarded to the plaintiff. Upon receipt of this sum, counsel for the plaintiff is directed to refund directly to the plaintiff the previously awarded EAJA fees of \$4,920.00.

**SO ORDERED.**

  
SARAH NETBURN  
United States Magistrate Judge

DATED: New York, New York  
July 19, 2016

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**NOTICE OF PROCEDURE FOR FILING OBJECTIONS  
TO THIS REPORT AND RECOMMENDATION**

The parties shall have fourteen days from the service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a), (d) (adding three additional days when service is made under Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F)). A party may respond to another party's objections within fourteen days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Such objections shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Alison J. Nathan at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, and to any opposing parties. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b). Any requests for an extension of time for filing objections must be addressed to Judge Nathan. The failure to file these timely objections will result in a waiver of those objections for purposes of appeal. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(d), 72(b); Thomas v. Arn, 474 U.S. 140 (1985).